

FILED

UNITED STATES DISTRICT COURT

NOV 18 2003

NORTHERN
UNITED STATES OF AMERICADISTRICT OF ILLINOIS, EASTERN DIVISION
CLERK, U.S. DISTRICT COURT
MAGISTRATE JUDGE MASON
UNDER SEAL

v.

DANIEL E. VON LOH

DOCUMENTED

DEC 14 2003

CRIMINAL COMPLAINT

03CR1092

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 14, 2003 in Cook county, in the Northern District of Illinois, and elsewhere defendant did,

TRAVEL IN INTERSTATE COMMERCE, WITH THE INTENT AND FOR THE PURPOSE OF ENGAGING IN ILLICIT SEXUAL CONDUCT (AS DEFINED IN TITLE 18, UNITED STATES CODE, SECTION 2423(f)), WITH A PERSON UNDER 18 YEARS OF AGE.

in violation of Title 18 United States Code, Section 2423(b).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: X Yes No

Suzanne J. Beckerman
Signature of Complainant

Sworn to before me and subscribed in my presence,

November 18, 2003
Date

Chicago, Illinois
City and State

MICHAEL T. MASON, U.S. Magistrate Judge
Name & Title of Judicial Officer

Michael T. Mason
Signature of Judicial Officer

STATE OF ILLINOIS)
COUNTY OF COOK) SS

AFFIDAVIT

I, Suzanne L. Beckerman, being duly sworn, do hereby
depose and state:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and am assigned to the Cyber Crime Squad. I have been a Special Agent with the FBI for 1 year and 10 months. In my capacity as a Special Agent, I am assigned to investigate violations of federal law, including crimes against children (CAC), and other violent crimes.

2. I am a CAC coordinator of the Chicago Division of the FBI, and as such, investigate cases concerning CAC, such as child pornography (production, distribution, and possession), and interstate travel for illegal purposes where children are victimized, or are intended to be victimized. I have participated in multiple investigations regarding interstate travel for the purpose of engaging in sex with minors.

3. In addition to my experience, I have received training in the investigation of computer-related crimes, protecting children online, crimes against children online undercover certification, and I have attended the Dallas Crimes Against Children Conference.

4. The information contained within this affidavit is based on my personal observations and training, as well as on information related to me by other law enforcement officers. This affidavit does not, however, contain everything I know about this investigation or all the information, obtained during the course of this investigation.

5. This affidavit is made in support of a complaint charging DANIEL E. VON LOH with violating Title 18, United States Code, Section 2423(b), which states:

A person who travels in interstate commerce, . . . for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both

Similarly, 720 ILCS § 5/11-9.1 prohibits the sexual exploitation of a child:

(a) Any person commits sexual exploitation of a child if in the presence of a child and with intent or knowledge that a child would view his or her acts, that person:

- (1) engages in a sexual act; or
- (2) exposes his or her sex organs, anus or breast for the purpose of sexual arousal or gratification of such person or the child.

6. The following terms have the indicated meaning in this affidavit:

- a. The term "illicit sexual conduct" is defined as a sexual act (as defined in 18 U.S.C. § 2246) with a person under 18 years of age that would be in violation of Chapter 109A of Title 18 if the

sexual act occurred in the special maritime and territorial jurisdiction of the United States. Sexual intercourse falls within this definition.

THE INVESTIGATION

7. On November 17, 2003 the Chicago Division of the FBI was contacted by Detective Peter Dudek of a police department of a town located in the northwest suburbs of Chicago, and Detective Arthur Kwiatowski of a different police department of a town located in the northwest suburbs of Chicago. The Detectives provided the following information to the FBI.

8. On Saturday, November 15, 2003 at approximately 5:30 p.m., a 14 year old girl (hereinafter referred to as "PERSON A") was reported missing by her parents from her residence in a town located in the northwest suburbs of Chicago. The parents told the authorities that their daughter informed them on Friday, November 14, 2003 that she would be spending the night at a friend's house in their town. When PERSON A failed to show up at home by Saturday night, the parents notified the local police department.

9. On Saturday, November 15, 2003 at approximately 6:50 p.m., when Detectives were at PERSON A's residence, PERSON A left a voice mail message on her home telephone. In that message, PERSON A told her parents that she would be home by 9:00 p.m that evening. Officer Kazsubski used the *69 feature on the phone to determine that PERSON A had

called from a particular hotel located in the northwest suburbs of Chicago (the "Hotel").

10. At approximately 7 p.m., after recovering the phone message from PERSON A's phone, the police officers went to the Hotel to determine if PERSON A was still there. Employees at the Hotel could not recall seeing anyone who matched PERSON A's physical description. At approximately 8:45 p.m., the police officers received word that PERSON A had returned home.

11. Shortly thereafter, police officers interviewed PERSON A at her home. PERSON A stated she had met a man named "Dan" in an MSN internet chat room approximately seven months ago. PERSON A also informed the police officers that "Dan" told her that he was 30 years old and that he lived in Madison, Wisconsin. When PERSON A communicated with "Dan" via the internet, "Dan" used the screen name dan the man 4 u@hotmail.com. PERSON A stated she and "Dan" communicated via instant messaging frequently between March 2003 and September 2003. PERSON A also told the police that, starting in August 2003, she started talking to "Dan" on the telephone. In addition, PERSON A told the police officers that "Dan" knew her age and that he told her that he could get in trouble for communicating with her in this way. I have reviewed telephone records from PERSON A's residence from approximately August 2003 through approximately October 2003. Those records show numerous

call from PERSON A's residence to telephone number (608) 240-9783 in Madison, Wisconsin. PERSON A's parents told the police that they had not placed calls to Madison, Wisconsin during this period.

12. PERSON A further stated that approximately two months ago "Dan" started suggesting that they meet in person. PERSON A stated she resisted at first, but, approximately two weeks ago she agreed to meet with "Dan" at a hotel near PERSON A's home.

13. According to phone records, PERSON A placed a call to "Dan" on Thursday, November 13, 2003 which lasted approximately two hours. The call was placed to an unpublished Madison, Wisconsin phone number ((608) 240-9783) which is registered to a Daniel Von Loh at 801 Fairmont Ave., Apt. D, Madison Wisconsin 53714. PERSON A told the police that on Friday, November 14, 2003 at approximately 5:30 p.m., PERSON A walked to a street corner in her town where she was picked up by "Dan" in what PERSON A described as a dark colored sedan.

14. PERSON A informed the police that she and "Dan" had sexual intercourse together twice on November 15, 2003 and once on November 14, 2003 in room 327 of the Hotel.

15. The Hotel has verified that a Daniel Von Loh checked into the Hotel on November 14, 2003 and was given room 327 after providing a Wisconsin driver's license. The Hotel provided the police with a copy of Von Loh's Wisconsin

driver's license. The driver's license contains a photograph.

16. Officers searched room 327 of the Hotel and observed the bed covers to be disheveled. During the search of the room, the officers also recovered two condom wrappers.

17. A search of private databases reveals that Daniel Von Loh is the registered owner of a 1994 Grand AM Pontiac, VIN number 1G2WJ52M7RF291549.

18. A search of private databases reveals that Daniel Von Loh resides at 801 Fairmont Ave., Apt. D, Madison, Wisconsin 53714.

CONCLUSION

19. Based on the evidence described in this affidavit and my experience and training, I believe that probable cause exists to believe that on or about November 14, 2003, in the Northern District of Illinois, and elsewhere, Daniel Von Loh traveled in interstate commerce from Madison, Wisconsin to the Northern District of Illinois for the purpose of engaging in illicit sexual conduct with another person for which a person can be charged with a criminal offense, in violation of Title 18, United States Code, Sections 2423(b).

Further affiant sayeth not.

Suzanne L Beckerman

Special Agent
Suzanne L. Beckerman
Federal Bureau of
Investigation

Subscribed and sworn to before
me this 18th day of November, 2003.

Michael T. Mason
MICHAEL T. MASON
U.S. Magistrate Judge